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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,079	11/28/2000	Wilhelmus Hubertus Paulus Maria Heijnen	TS6196 (US)	5093

7590 01/23/2003

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EXAMINER

OMGBA, ESSAMA

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/724,079

Applicant(s)  
Wilhelmus H. P. M. Heijnen

Examiner  
Essama Omgba

Art Unit  
3726



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 3, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/03/2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pogonowski (US Patent 3,555,831) in view of Gabor et al.(DE 3407467).

Pogonowski discloses a method of connecting an upper wellbore casing 11 secured in formation to a lower wellbore casing 14 having an end part fitting into an end part of the upper wellbore casing, the method comprising arranging the end part of the lower wellbore casing within the end part of the upper wellbore casing and fastening the lower wellbore casing to the upper wellbore

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casing at a peripheral interlocking joint to form the two concentric members into a unitary body, see column 1, lines 11-23 and column 2, lines 21-33 and 37-71. Pogonowski does not disclose arranging a sleeve of deformable material between the end parts and radially expanding the end part of the lower wellbore casing towards the end part of the upper wellbore casing so as to bias the sleeve between the end parts. However Gabor et al. teaches such a sleeve of deformable material 5 arranged between end parts of two tubes (1, 2) wherein the end part of the inner tube is radially expanded towards the end part of the outer tube thereby biasing the sleeve 5 between the end parts, see abstract and figures 1 and 2. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have substituted the method of fastening the wellbore casings of Pogonowski with the method taught by Gabor et al., in order to provide a more efficient sealing bond between the two wellbore casings.

4. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pogonowski/Gabor et al. as applied to claim 1 above, and further in view of Kapgan et al. (US Patent 5,662,362).

With regards to claims 2 and 3, Pogonowski/Gabor et al. discloses a method of connecting upper and lower wellbore casings as shown above. Even though Gabor et al. does not disclose the deformable sleeve as being a shape-memory alloy made of a hard elastomer or a ductile metal, such shape-memory alloy material are old and well known as attested by Kapgan et al., see column 1, lines 21-40. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used a ductile shape-memory alloy in

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Pogonowski/Gabor et al.'s method, in light of the teachings of Kapgan et al., in order to ensure a leak free coupling of the pipes.

For claim 4, Applicant should note that the use of two shape-memory sleeves arranged concentrically between the end parts is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in using a single sleeve as taught by Gabor et al. for instance versus using two sleeves as long as an effective leak free connection is established between the two wellbore casings.

For claim 5, see column 1, lines 21-24 of Kapgan et al.

For claims 6 and 7, see figures 1 and 2 of Gabor et al.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pogonowski/Gabor et al./Kapgan et al. as applied to claim 7 above, and further in view of Feldstein et al. (US Patent 5,038,994) and Kozubovski et al. (SU 1629463).

Pogonowski/Gabor et al./Kapgan et al. discloses a method of connecting upper and lower wellbore casings as shown above except for the device comprising an annular shoulder for positioning the device against the end part of the lower wellbore casing and arranging the explosive charge in an annular recess. However Feldstein et al. teaches such an explosive device provided with an annular shoulder 9 for positioning the device against an end part of an inner pipe 5 to be radially expanded against an end part of a second pipe 1, see column 4, lines 5-14 and figure 2. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have substituted the device of Pogonowski/Gabor et al./Kapgan et al.

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with the device taught by Feldstein et al., in order to center the device and provide a predetermined stand-off between the two pipes. Furthermore Kozubovski et al. teaches the explosive charge 12 of a similar device is in an annular recess 3 of the device, see abstract and the figure. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used the arrangement of Kozubovski et al. in the device of Pogonowski/Gabor et al./Kapgan et al./Feldstein et al., in order to ensure effective containment of the explosive charge within the device.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

#### ***References***

7. The prior art references listed on the enclosed PTO-892, but not used in a rejection of the claims, are pertinent to Applicant's disclosure.

#### ***Contact Information***

8. Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 305-3579/3580. Should Applicant desire to submit a DRAFT response to the Examiner by facsimile transmission, then Applicant should contact the Examiner at the number below for instructions concerning the transmission of DRAFT documents. Applicant is reminded

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to clearly mark any facsimile transmission as "DRAFT" if it is not to be considered as an official response.

9. Any inquiry concerning this communication should be directed to Examiner Essama Omgba at telephone number (703) 305-2915.

eo  
January 17, 2003

